IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15923 of 2005

Between

V. Krishna Murthy S/o. Late Narasanna
R/o. Sivalayam Street, Marteru
Tanuk Taluk, W.G.District.

..... PETITIONER

AND

1 The Govt. of A.P., Rep. by its Revenue Divisional Officer
Kovvur-534 350, West Godavari District.
2 The Mandal Revenue Officer
Penumantra-534 124 West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein in trying to dispossess the petitioner from the lands of an extent of Ac.0.40 cents in Sy.No.109/1 of Maruteru Village of Penumantra Mandal in W.G.District pending disposal of the Appeal (un numbered) before the 1st respondent herein filed by the petitioner aggrieved by the orders bearing ROC.129/05 (A), dt.1-6-2005 of the 2nd respondent herein as arbitrary, illegal and capricious apart from the gross violation of procedure under Act 9 of 1977 and Rules made thereunder and consequently direct the respondents herein not to dispossess the petitioner herein pending appeal before the 1st respondent herein, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.SAI GANGADHAR CHAMARTY

Counsel for Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

Against the order of eviction passed by the Mandal Revenue Officer, Penumantra dated 01.06.2005, an appeal was filed by the petitioner before the Revenue Divisional Officer, Kovvur on 05.07.2005, which was not numbered. Pending the appeal, the officials of the second respondent are insisting for surrender of the lands to them, as there is a proposal to distribute the same to some other people. On 10.07.2005, the officials of the respondents by means of Tom Tom in the village proclaimed that the petitioner ceased to be the owner of the lands in question and those lands belong to the Government.

It is the case of the petitioner that he is in possession of the purchased land for the last twenty years and pattedar pass books were also issued in his name in the year 1989 and that according to the respondents, he purchased the assigned land in contravention of the provisions of sub-section (2) of Section 3 of A.P. Assigned Lands (Prohibition of Transfer) Act (Act 9 of 1977). Therefore, he filed the Writ Petition to direct the respondents not to dispossess him from the land in question.

Since the appeal filed by the petitioner is pending consideration before the Revenue Divisional Officer, Kovvur, I deem it appropriate to direct the first respondent-Revenue Divisional Officer to dispose of the appeal, in accordance with law, within a period of eight weeks from the date of receipt of a copy of the Order after giving an opportunity of being heard to the petitioner. Till such time, the respondents are directed not to disturb the possession of the petitioner from the land in question.

With the above direction, the Writ Petition is disposed of. No order as to costs.

(ELIPE DHARMA RAO, J)

Dt: 21.07.2005

<u>NOTE:</u> Furnish C.C within three days

(b.o)

bsv/lvl

To

1 The Revenue Divisional Officer , Govt. of A.P.,
Kovvur-534 350, West Godavari District.
2 The Mandal Revenue Officer
Penumantra-534 124 West Godavari District.

3. Two CCs to the Government Pleader for Revenue, High Court of A.P.,

Hyderabad (OUT)

4. Two CD copies